

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sharon Lesk

Group Art Unit: 3728

Serial No.: 10/725,857

Examiner: Bryon P. Gehman

Filed: December 1, 2003

Atty. Dkt. No.: 7288-102/10312532

For: Flower Container

Confirmation No.: 2832

DECLARATION UNDER 37 C.F.R. §1.132 OF SHARON LESK

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I, Sharon Lesk, do declare that:

1. I am a citizen of the United States residing at Flat 6, The Piper Building, Peterborough Road, London SW6 3EF, England. I am also a co-inventor for the above-captioned application and a lawyer licensed to practice law in California.
2. All of the facts stated in this declaration are personally known to me unless otherwise so indicated, and if called upon, I could testify to such facts.
3. I have been informed that the claims have been rejected because the Examiner has questioned whether the relationship between the top edge of the inner wall of the ring being lower than the top edge of the outer wall of the container was part of the original invention patent application and further whether the difference in height between the top edges of the inner and outer walls of the ring was a feature of the invention when the patent application was filed on December 1, 2003.
4. On March 28, 2003, I received a sample of the flower container which is the subject of the above patent application from Mei Kee Plastic Factory in Shenzhen, China, having the inner wall of the grooved ring with a height below the outer wall of the ring and having the lip of the ring resting on the top edge of the outer wall of the flower container. This sample reflected my stated intention of having

the outer wall of the container serve as a backsplash to direct liquid scent like essential oils back into the ring and flower container as well as directing water back into the ring and flower container when used with fresh flowers and not into the interior of a moving vehicle.

5. Attached as Exhibit 1 is a set of photographs (Figures 1A – 1C) of the flower container which are true and correct photographs of the actual flower container, which is identical to the March 28, 2003 sample and made from the same trial mold. The sample shown in Exhibit 1 was given to my patent attorney on October 21, 2003 to assist him in drafting the patent application and creating the drawings for that patent application. The photos in Exhibit 1 show the inner wall of the grooved ring with a height below the outer wall of the ring which has the lip of the ring resting on the top edge of the outer wall of the flower container. These photographs are consistent with Figure 6 of the patent application and clearly disclose the relationship of the inner wall (35) of the ring having an upper edge which has a height below the upper edge of the outer wall (28). Figure 1A specifically is a photograph of the grooved ring that was produced by Mei Kee Plastic Factory, Shenzhen, China, in late 2003 showing the grooved ring design which is the same as that shown in patent drawings. Fig. 1B is a photograph of the entire flower container with the grooved ring in place. The height difference described above is clearly visible. Figure 1C is a photograph of the bottom of the flower container showing a copyright notice for the year 2002. The concept of having the inner wall being lower than the outer wall was certainly a concept that was disclosed in the drawings when the patent application was filed.
6. Exhibit 2 is a set of photographs (Figures 2A-2C) of an additional sample received on March 28, 2003 which was to show what a trial mold could produce. We sent our liquid scent to Mei Kee Plastic Factory, and they mixed it with wax and put the scented wax in the ring of the Exhibit 2 sample. I tested this sample in my father's car in Phoenix on June 1, 2003 and at 10:00 in the morning, it completely liquefied in 15 minutes. The higher outside sidewalls served effectively as a backsplash and kept the liquefied wax in the ring and vase and not in the parked car.

7. Attached as Exhibit 3 is a true and correct copy of a sample sales brochure used shortly after the patent application was applied for. The significance of this brochure is that it explicitly states that the ring "provides a barrier to water loss" which is the reason for the outer edge (whether of the ring or the actual container wall) being higher than the edge of the inner wall of the ring.

I declare that all statements made herein of my own knowledge are true, and that all statements of my own belief are believed to be true, and further that these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

July 29, 2010




Exhibit 1

Exhibit 1

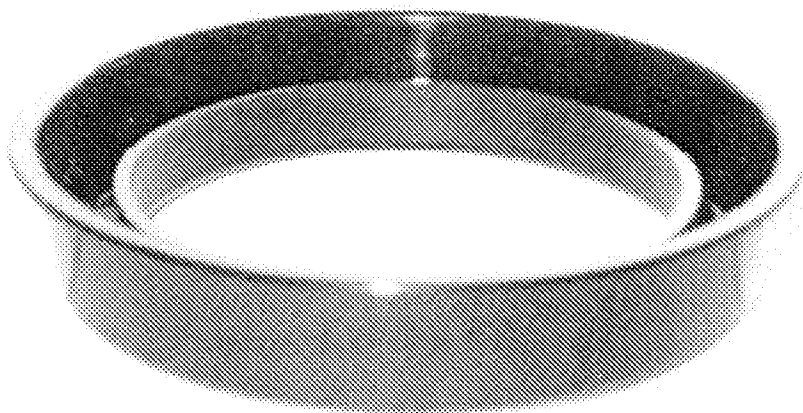


Fig. 1A

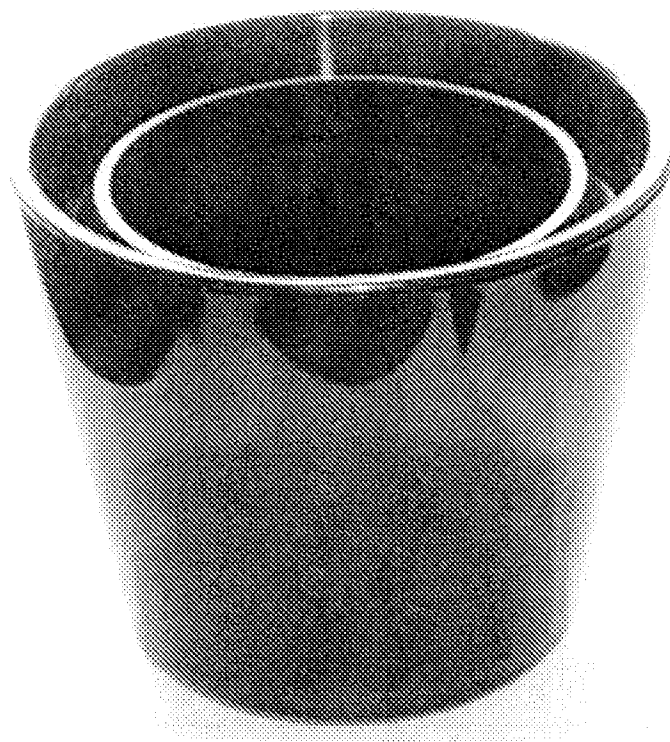


Fig. 1B

Exhibit 1



Fig. 1C

Exhibit 2

Exhibit 2



Fig. 2A

Exhibit 2

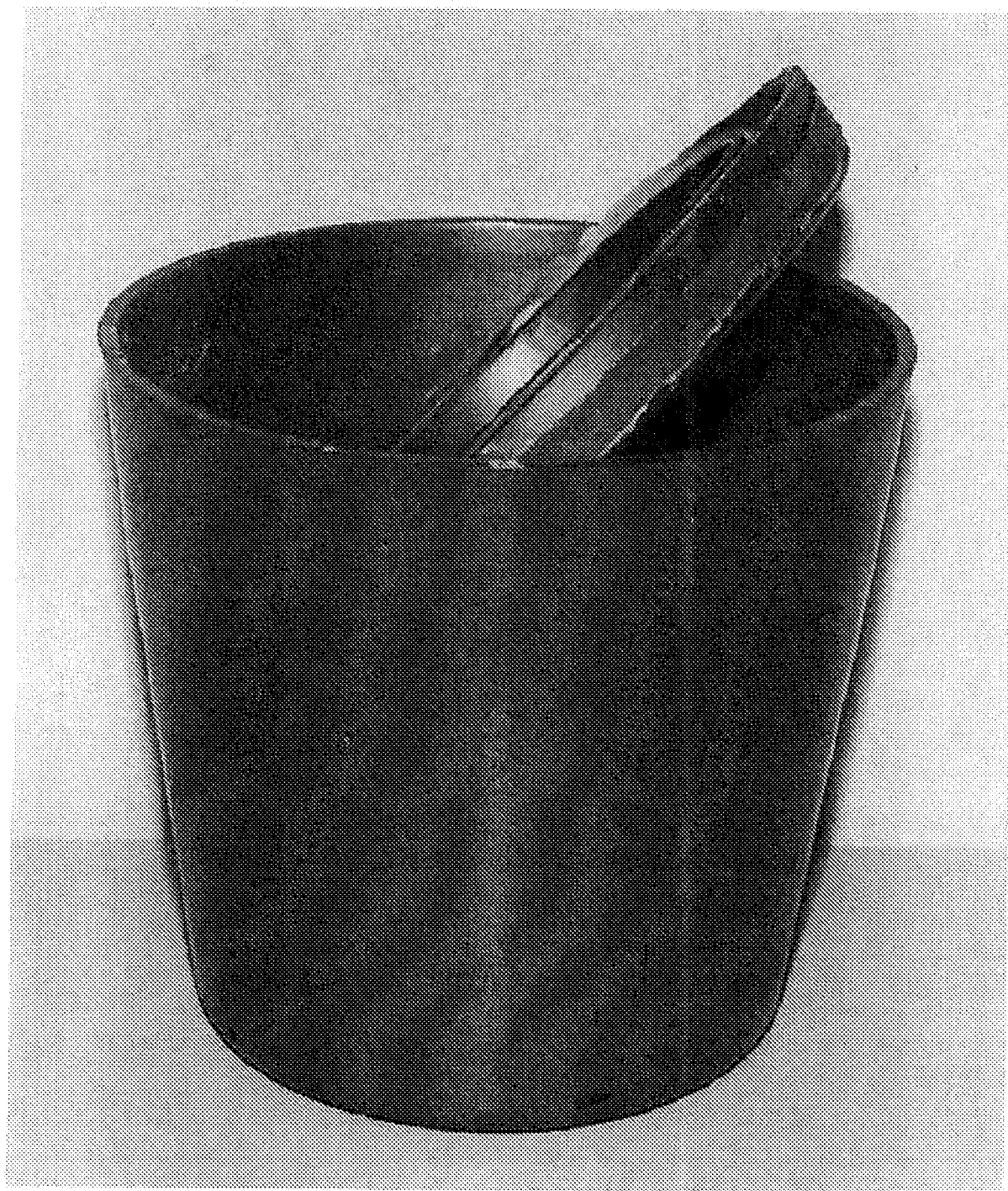


Fig. 2B

Exhibit 2

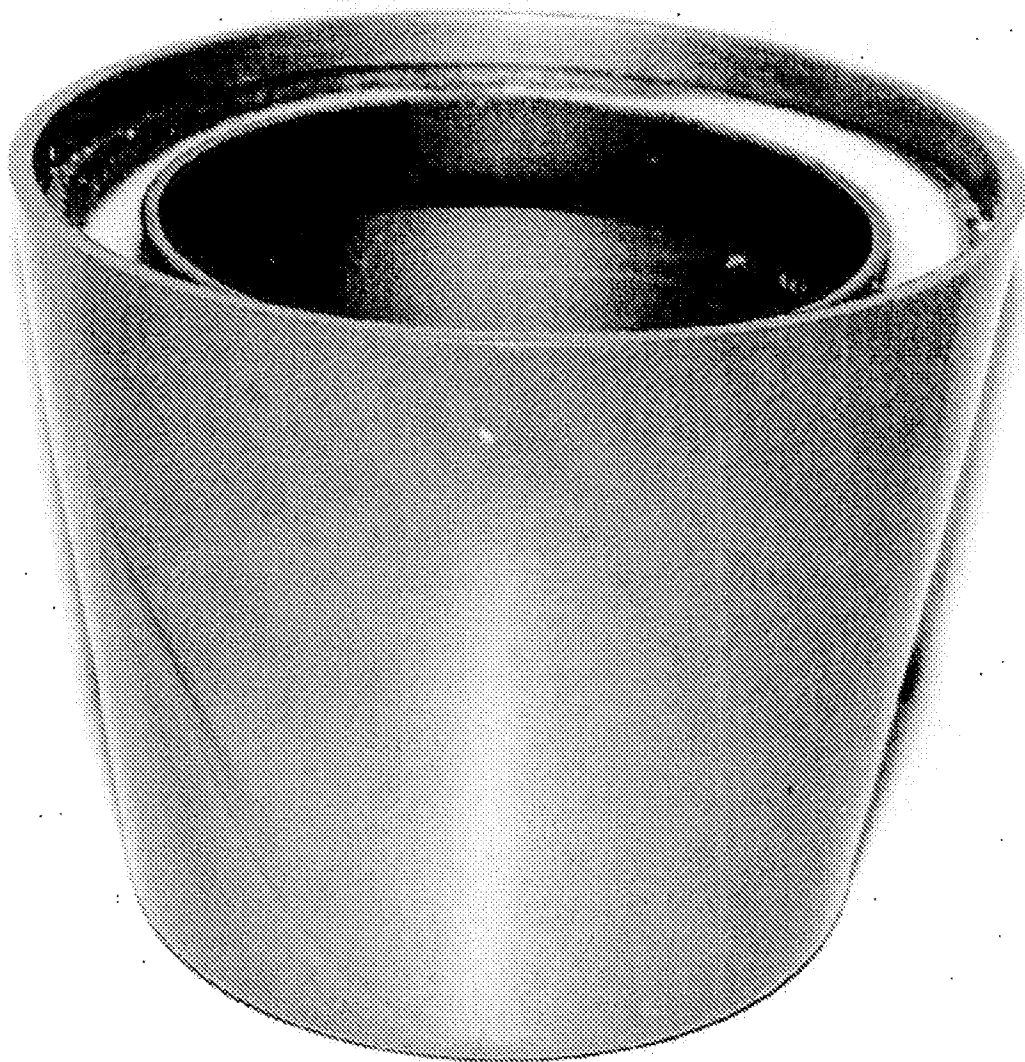


Fig. 2C

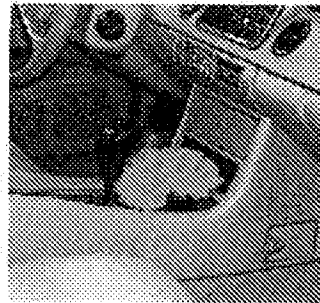
Exhibit 3

Exhibit 3

FlowerPower

VEHICLE VASE PATENT PENDING

Custom-designed vase fits in the drink holder of any vehicle. The beauty and aroma of flowers make daily driving more enjoyable.



Portable Compact, lightweight, and easy to move.

Durable Shatter-resistant black acrylic goes with every décor.

Secure Built-in prongs hold flowers in place, and weighted bottom adds resistance to tipping.

Practical Detachable acrylic ring provides support for fresh or synthetic flower arrangements. The ring channel holds fragrances or air freshener (for use with synthetic flowers) and provides a barrier to water loss.

Versatile Dozens of uses for:

- *Business* – real estate agents, sales reps, decorators, fundraisers, and anyone who uses a car or truck for meeting with and transporting customers...
- *Family* – carpools, sports outings, and special events...
- *Pleasure* – holiday celebrations, romantic dinners, thank you gifts, or weekend getaways...

The vases also make ideal gifts and promotional premiums.

1801 Avenue of the Stars, Suite 446
Los Angeles, CA 90067
t: 310.785.9504
f: 310.785.9505
www.flowerpowerinc.net